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July 27, 2011

VIA FEDERAL EXPRESS

Rosemary Chiavetta, Secretary
Pennsylvania Public Utility Commission
Commonwealth Keystone Building
400 North Street
Harrisburg, PA 17102

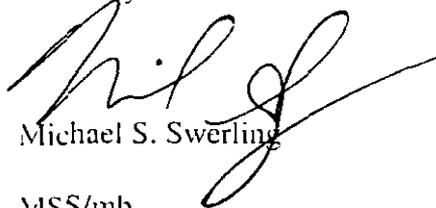
RE: Notice of Reconsideration
Docket Nos. M-2010-2183412, M-2009-2104271, P-2009-2135500

Dear Secretary Chiavetta:

Pursuant to the June 13, 2011 Notice of Reconsideration in the above-referenced dockets, enclosed please find an original and five (5) copies of the Reply Comments of PECO Energy Company in Response to the Notice of Reconsideration.

Kindly return a time-stamped copy of the Comments in the self-addressed envelope that is enclosed. Please contact me should you have any questions regarding this filing.

Sincerely,



Michael S. Swerling

MSS/mb

Enc.

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PA PUBLIC UTILITY COMMISSION
SECRETARY'S BUREAU

**BEFORE THE
PENNSYLVANIA PUBLIC UTILITY COMMISSION**

Interim Guidelines For Eligible Customer Lists	:	Docket No. M-2010-2183412
	:	
	:	
PPL Electric Utilities Corporation Retail Markets	:	Docket No. M-2009-2104271
	:	
	:	
Petition of Duquesne Light Company for Approval of Default Service Plan for the Period January 1, 2011 through May 31, 2013	:	Docket No. P-2009-2135500
	:	
	:	

**REPLY COMMENTS OF PECO ENERGY COMPANY
IN RESPONSE TO THE NOTICE OF RECONSIDERATION**

Pursuant to the June 13, 2011 Notice of Reconsideration entered by the Pennsylvania Public Utility Commission (the "Commission") in the above-referenced dockets, PECO Energy Company ("PECO" or the "Company") hereby submits its reply comments in this matter.

I. INTRODUCTION

As noted in its Initial Comments, PECO appreciates the opportunity to comment on this matter and commends the Commission's efforts to "strike[] an appropriate and lawful balance between customer privacy rights and the Commission's obligations under Chapter 28 of the Public Utility Code." (Notice of Reconsideration at 5). As PECO also noted in its Initial Comments, it supports an Eligible Customer List ("ECL") that incorporates an "opt-out" policy and an option for all customers to restrict all of their data.

In its reply comments, PECO will only address the request made by FirstEnergy Solutions Corp. ("FES") in its comments that ECLs should include flags for net metering and tax status components. PECO believes that FES' request should not be adopted because the purpose of this reconsideration proceeding was only to address the privacy concerns raised in the Commission's Notice of Reconsideration, not to propose new components for inclusion in ECLs.

If the Commission ultimately decides to consider FES' request, PECO submits that tax status information should not be included in the ECL because it is not within the scope of the ECL.

II. REPLY COMMENTS

A. **The Scope of the Notice of Reconsideration did not encompass adding net metering and tax status flags to ECLs.**

In its comments, FES suggested adding net metering and tax status information to ECLs. (FES Comments at 3). PECO believes that FES' request is inappropriate for consideration in this proceeding because the Commission limited the scope of its Notice of Reconsideration to addressing customer privacy concerns. Indeed, the purpose of the Commission's notice was specifically to determine the ability of customers to restrict their personal information from inclusion in the ECL. The notice did not ask stakeholders to comment on expanding ECLs to include additional types of customer information, such as net metering and tax status flags. FES' suggestion exceeds the scope of the Commission's notice. As such, FES' request to include net metering and tax status information in the ECL should not be adopted.

B. **If the Commission considers FES' request, it should not include tax status information because it is not within the scope of the ECL.**

For the reasons noted above, PECO believes the Commission should not consider including net metering and tax status information in this proceeding. However, if the Commission decides to consider FES' suggestion, PECO submits that tax status information should not be included in the ECL because it does not serve the purpose of the ECL – to facilitate supplier marketing efforts.

While PECO understands the marketing benefits to including net metering flags in an ECL (to facilitate the marketing of renewable energy products), it does not understand what marketing benefits exist with including tax status flags in the ECL. As PECO understands the request, FES seeks this information only to facilitate the billing efforts of Electric Generation

Suppliers (“EGS”) – i.e., to determine whether or not a supplier’s customer should pay state sales taxes. But, as FES has stated, “it is ultimately the supplier’s responsibility to obtain the appropriate information from the customer to determine whether or not the customer is obligated to pay sales tax.” (FES Comments at 8). Suppliers should obtain this information from customers during the application/contract stage of their customer acquisition process.

The ECL should only be used to facilitate supplier marketing efforts, not to facilitate EGS billing efforts. As FES seeks the inclusion of tax information only to facilitate customer billing and not to promote marketing efforts, its request should not be adopted.

III. CONCLUSION

PECO appreciates the opportunity to participate in this proceeding and believes that the Company’s recommendations can further improve the effectiveness of ECLs.

Respectfully submitted,



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July 27, 2011

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Rosemary Chiavetta, Secretary
PA Public Utility Commission
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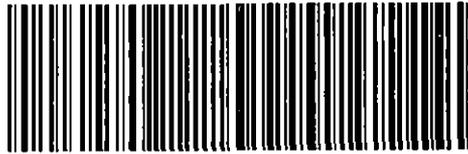
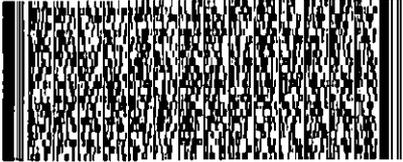
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